

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application**COPY FOR CONTINUING  
APPLICATION**

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DISPENSING ASSEMBLY WITH INTERCHANGEABLE CARTRIDGE PUMPS

the specification of which (check one)

[X] is attached hereto.

[ ] was filed on \_\_\_\_\_ as United States Application

Number or PCT International Application No. \_\_\_\_\_

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?
			YES	NO
(Number)	(Country)	(Day/Month/Year filed)	[ ]	[ ] [ ]
(Number)	(Country)	(Day/Month/Year filed)	[ ]	[ ] [ ]
(Number)	(Country)	(Day/Month/Year filed)	[ ]	[ ] [ ]

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

109/702298  
U.S. PTO  
10/31/00



**COPY FOR CONTINUING  
APPLICATION**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/887,178</u> (Application Serial No.)	<u>07-02-97</u> (Filing date)	<u>Pending</u> (Status: patented, pending, abandoned)
<u>08/251,597</u> (Application Serial No.)	<u>05-31-94</u> (Filing date)	<u>Patented</u> (Status: patented, pending, abandoned)
<u>07/881,397</u> (Application Serial No.)	<u>05-11-92</u> (Filing date)	<u>Patented</u> (Status: patented, pending, abandoned)
 (Application Serial No.)	 (Filing date)	 (Status: patented, pending, abandoned)

As a named inventor, I hereby appoint the attorneys and/or agents associated with **Hamilton, Brook, Smith & Reynolds, P.C.**, Two Militia Drive, Lexington, Massachusetts 02421-4799, **Customer No. 21005**,

[ ] and \_\_\_\_\_,

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please send correspondence to: [ ] Customer No. Noted Above OR

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Steven A. Bogen

Inventor's Signature Steven A. Bogen Date 11/25/98

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Full name of second joint

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Inventor's Signature Herbert H. Loeffler

Date 12-1-98

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven A. Bogen and Herbert H. Loeffler

Title: SLIDE STAINER WITH REMOVABLE REAGENT CARTRIDGE FRAME

Continuation of U.S. Application 09/205,945 filed December 4, 1998

Date: 10-31-00

EXPRESS MAIL LABEL NO. EL 552573405US

DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

We, Steven A. Bogen and Herbert H. Loeffler, declare and state that:

1. We are the co-inventors of the above-identified U.S. Patent Application.
2. The invention described and claimed in the above-identified patent application was completed in the United States prior to September 18, 1991, the filing date of U.S. Patent 5,232,664.
3. Evidence of completion of the invention is presented by the attached Phase II Grant Application. The grant application is dated August 2, 1991 and was filed on or about that day. The assembly described and claimed in the application was tested under a prior phase I grant, the final report of which is included at pages 24-32 of the grant application. Reference is made to figures 1-4 in the appendix, which can be compared to the figures of the present application. In

particular, microscope slides are shown in Figure 3, and liquid reagent cartridges comprising reservoirs and metering chambers are illustrated in Figure 4, as are the solenoid actuators. The following description is at page 25, Section D2, a, i, second paragraph:

The essence of our design concept is an array of reagent reservoirs mounted in a rack on an X-Y axis motion carriage (Figure 1, appendix page 1). The reagent cartridges are held in a removable rack so that they can be removed *en bloc* at the end of the day and placed into the refrigerator. The removable rack can accommodate 20 disposable reagent cartridges. At the start of any day, the appropriate reagent rack is easily inserted into the X-Y axis motion carriage ("dispensing platform").

4. The above features were included in a machine which was constructed and tested prior to the grant application date of August 2, 1991.

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

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Steven A. Bogen

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Date

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Herbert H. Loeffler

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Date